

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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HARRY RUSSELL FRAZIER, :

07 Civ. 9366 (SAS)

Plaintiff, :

SCEDULING ORDER

Conference Date: 12/06/2007

— against — :

TIFFANY & CO., and DAVID
WILSON, individually, :

Defendants. :

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on December 6, 2007 (the "Order); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date/time of the conference and the appearances for the parties:

Date of Conference: December 6, 2007 at 4:30 pm.

Jonathan Sack, Esq.
Eric R. Stern, Esq.
Sack & Sack
110 East 59th Street, 19th Floor
New York, New York, 10022

Attorneys for Plaintiff

Daniel A. Rizzi, Esq.
Nixon Peabody LLP
50 Jericho Quadrangle, Third Floor
Jericho, New York 11753

Attorneys for Defendants

(2) a concise statement of the issues as they then appear:

Whether Plaintiff's former employer, Defendant Tiffany and Company, and his immediate supervisor, David Wilson, discriminated against Plaintiff based upon his race (African American), and retaliated against him, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e, ("Title VII"), the New York State Human Rights Law, Executive Law § 290 *et seq.* ("NYSHRL"), and the New York City Human Rights Law, NYC Administrative Code, § 8-101 *et seq.* ("NYCHRL").

Whether Plaintiff's former employer, Defendant Tiffany and Company, and his immediate supervisor, David Wilson, discriminated and retaliated against Plaintiff in violation of the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA"), based upon his attempt to obtain family medical leave to care for his Autistic son.

(3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions:

The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. All discovery shall be completed on or before June 30, 2008, which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can meet the discovery completion date.

Depositions to be taken by Plaintiff:

- David Wilson
- Patrick Dorsey

Feb, MAR, APRIL

Depositions to be taken by Defendants:

- Harry Russell Frazier

Third Party Witness Depositions:

- TBD

Mar - 14th due 4/30

(b) a schedule for written discovery:

The parties shall serve initial written document demands and interrogatories on or before January 14, 2008.

Initial Disclosures Dec. 20, 2007

Mark

(c) **dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:**

Expert witnesses, if any, must be designated at least thirty (30) days before the discovery cut off date. Any expert report must be served at least thirty (30) days before the discovery cut off date.

(d) **the date by which plaintiff will supply its pre-trial order matters to defendants:**

July 15, 2008.

Open /

(e) **the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial;**

July 31, 2008

July 15

(f) **a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference:** *May 8 or 9 30*

(4) **anticipated length of trial and whether to court or jury:**

- jury trial; 4 days, inclusive of opening and closing statements, but exclusive of jury panel selection

(5) **The parties shall try in good faith to resolve all discovery disputes prior to seeking judicial intervention.**

(6) **This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires.**

By: *[Signature]*
 Jonathan Sack, Esq.
 Eric R. Stern, Esq.
 Sack & Sack
 110 East 59th Street, 19th Floor
 New York, New York, 10022
 212 702-9000
Attorneys for Plaintiff

By: *[Signature]*
 Daniel A. Rizzi, Esq.
 Nixon Peabody LLP
 50 Jericho Quadrangle, Third Floor
 Jericho, New York 11753
 516 832 7500
Attorneys for Defendants

SO ORDERED:
 Dated: New York, New York
 December 6, 2007

[Signature]
 SHIRA A. SCHEINDLIN, U.S.D.J.